

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

ROGER W. McCLARIN,

Plaintiff,

v.

PETE WHITE, et al.,

Defendants.

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No. 4:05CV2278-SNL

ORDER AND MEMORANDUM

This matter is before the Court *sua sponte*. On May 16, 2006, the Court entered its Order that plaintiff complete service of process on defendants Kenneth Truemper, Chico Humes, Ralph Bruns and Graphics Communications Union Local 505 on or before May 31, 2006.

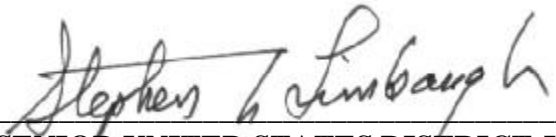
The Court notes that this matter was originally filed in the Missouri Circuit Court for the Twenty-Second Judicial Circuit (St. Louis City). On December 5, 2005, defendants Universal Printing Company and Joe Ebel removed this matter to the United States District Court for the Eastern District of Missouri and paid the filing fee. In the underlying state-court action, plaintiff moved for leave to proceed in forma pauperis. He has not, however, moved for leave so to proceed in this Court, and there has been no review pursuant to 28 U.S.C. § 1915 authorizing plaintiff to proceed in forma pauperis. *See* Fed. R Civ. P. 4(c)(2). Accordingly, the Court now amends its Order of May 16, 2006, as follows:

Within thirty (30) days of the date of this Order, plaintiff shall *either* effect service of process on defendants Truemper, Humes, Bruns and Graphics Communications Union Local 505 *or* move for leave to proceed in forma pauperis and provide a copy of his inmate trust fund account

statement for the preceding six months. *See* 28 U.S.C. § 1915(a). The failure to do so may result in dismissal, without prejudice, for failure to prosecute.

IT IS SO ORDERED.

Dated this 25th day of May, 2006.


SENIOR UNITED STATES DISTRICT JUDGE